

**MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL**

June 21, 2016

The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency

Call to Order

Members present: Mayor Mary Sessom, Mayor Pro Tem George Gastil, Councilmember Jerry Jones, Councilmember Jennifer Mendoza, and Councilmember Racquel Vasquez.

Members absent: None.

City Staff present: Lydia Romero, City Manager, David DeVries, Development Services Director; Daryn Drum, Division Fire Chief; James P. Lough, City Attorney; Mike James, Public Works Director; Lt. May, Sheriff's Department; Gilbert Rojas, Interim Finance Director; Miranda Evans, Assistant Planner; and Laureen Ryan Ojeda, Administrative Analyst.

Presentation

Mayor Sessom presented a proclamation to Jim Ek, Heartland Fire & Rescue Captain, for his 33 years of service.

Sandra Kerl, Deputy General Manager San Diego Water Authority, provided a presentation of water operations throughout San Diego County.

Public Comment

John L. Wood commented on a vehicle parked on Federal Boulevard, traffic calming on Central Avenue, a recent car accident, and the San Diego Water Authority's rate increase.

Ivan Arabo commented on the Lemon Grove Market.

Jim Ellis commented on dogs that are off-lease at Berry Street Park.

Lani Stacks commented on pet stores that are selling animals.

1. Consent Calendar

A. Approval of City Council Minutes

June 7, 2016 Regular Meeting

B. Ratification of Payment Demands

C. Waive Full Text Reading of All Ordinances and Resolutions on the Agenda

D. Contract Extension for Street Light Maintenance

E. Amended City of Lemon Grove Conflict of Interest Code

F. Stormwater Professional Services Agreement with D-MAX Engineering, Inc.

G. Ratify the agreement with George Hills Company

H. Rejecting all bids for the 2015 CIP Street Rehabilitation Project, Slurry

I. Servings Seniors Lease Agreement at the Lemon Grove Senior Center

Action: Motion by Mayor Pro Tem Gastil, seconded by Councilmember Jones, to approve the Consent Calendar passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Vasquez

Abstained: Mendoza

Resolution No. 2016-3427: Resolution of the City Council of the City of Lemon Grove and the Board of Directors of the Lemon Grove Lighting District Authorizing a One-Year Extension of the Existing Contract between the City and CTE, Inc. for Street Light Maintenance and Repair for Fiscal Year 2016-2017

Resolution No. 2016-3428: Resolution of the City Council of the Lemon Grove, California Amending the City of Lemon Grove Conflict of Interest Code

Resolution No. 2016-3429: Resolution of the City Council of the City of Lemon Grove, California Approving an Agreement for Professional Services with D-Max Engineering, Inc. for Stormwater Services

Resolution No. 2016-3430: Resolution of the City Council of the City of Lemon Grove, California Ratifying the Claims Management Services Agreement with George Hills Company

Resolution No. 2016-3431: Resolution of the Lemon Grove City Council Rejecting All Bids for The 2015 CIP Street Rehabilitation, Slurry Project

Resolution No. 2016-3432: Resolution of the City Council of the City of Lemon Grove, California Approving a Three-Year Lease Agreement with Serving Seniors for Use of the Lemon Grove Senior Center

2. Continued Public Hearing to Consider Ordinance No. 439 – Zoning Amendment ZA1-600-0001 Amending the Beekeeping Regulations (Chapter 18.16 of the Municipal Code)

Miranda Evans reported that during public comment at a City Council meeting in early 2015, several citizens spoke about existing beekeeping activity and their positions regarding said activity. There was a current code enforcement case at the time that has since been closed. A property owner with bee hives asked that the City Council consider allowing the beehives utilizing the current provisions and the neighboring property owner asked that the hives be removed because she has small children. After that discussion, the City Council directed staff to prepare an agenda item that would allow them to discuss potential guidelines for beekeeping activities in the City.

At the April 21, 2015 City Council meeting, staff presented a report that discussed the City's existing beekeeping regulations, regional beekeeping programs, and current trends for the City Council's consideration. Staff noted that there had been approximately six requests in the past decade for beekeeping activities and less than that in code enforcement activities. The records show that there are currently no beekeeping permits issued in the City (a requirement under the City's current beekeeping regulations) and no open code enforcement cases related to beekeeping. At the hearing, a total of two citizens spoke in favor of beekeeping, and two residents expressed concerns for beekeeping in their neighborhood. The City Council directed staff to return with a draft beekeeping ordinance.

At the City Council public hearing held on April 5, 2016, staff recommended changes to the City's beekeeping regulations and provided an analysis of the beekeeping regulations throughout the County of San Diego. Out of the nineteen local jurisdictions, there are six agencies (including Lemon Grove) that currently have standards for beekeeping activities. The County of San Diego adopted updates to their beekeeping ordinance in November 2015 and

City staff waited until the County adopted formal regulations before continuing the analysis for the City's beekeeping ordinance.

The current provisions allow beekeeping in the City's Residential Low and Low/Medium Zoning Districts which are single-family residential areas and make up the majority of the City. The provisions require a beekeeping permit, abutting neighbors would be required to be notified, no more than two hives are allowed and a minimum lot size of 10,000 sq. ft. is required. Two additional hives may be allowed on lots that are 15,000 sq. ft. in area. To date, the City has not received nor approved a bee keeping permit for any residence in Lemon Grove nor is there an adopted fee for a permit. The City has similar separation requirements compared to other jurisdictions, but no distance requirements for sensitive sites. The City also has a water availability requirement to keep bees from searching for alternative water sources.

Staff recommends that the City Council add these provisions as part of the proposed bee keeping ordinance. Draft provisions include:

- Set a fee of \$35 for a beekeeping permit. This fee would be added to the Master Fee Schedule for Fiscal Year 2016-2017;

- Amend locational requirements for beehives to encourage beekeeping within the City of Lemon Grove;

- Add requirements for sensitive sites (e.g., schools, playgrounds, picnic areas, senior centers, etc.) and registration for sensitive sites;

- Eliminate the adjacent property owner notification requirement and the written protest period as described in 18.16.020 (2) and 18.16.020 (a);

- Add a requirement for the maximum beehive size; based upon conservative industry standards, a beehive shall be no larger than 15 cubic feet in volume;

- Add a requirement for firefighting materials near a hive;

- Add that the types of bee species allowed are required to be docile and nonaggressive;

- Require registration of the apiaries with the County of San Diego Department of Agriculture, Weights, and Measures (currently free for less than 10 apiaries on a site);

- Correct subsection A under exotic animals to reference Section 6.04.420 instead of 6.04.430. This is incorrectly cited.

Public Speaker(s)

Mark Kukuchek spoke in favor of bee keeping.

Action: Motion by Councilmember Jones, seconded by Councilmember Mendoza, to close the Public Hearing and introduce Ordinance No. 439 for first reading passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Ordinance No. 439: An Ordinance of the City Council of the City of Lemon Grove, California Amending Chapter 18.16 of the Lemon Grove Municipal Code to Provide Modifications to the Beekeeping Regulations

3. Fiscal Year 2016-2017 Consolidated Operating and Capital Budget

Gilbert Rojas On June 7, 2016, staff presented the Fiscal Year 2016-17 (FY 2016-17) budgets for all City funds as well as the Sanitation District and the Roadway Lighting District for feedback. Based on feedback received, staff presents the FY 2016-17 consolidated budget for approval by the City Council, the Roadway Lighting District Board, the Sanitation District Board, and the Successor Agency.

The Draft Budget presented to the City Council on June 7, highlighted the following items:

- A 2% cost of living increase for all Fire Safety employees (as specified in contract)
- A 2% cost of living increase for all miscellaneous employees (except the City Manager)
- A change in City Council compensation effective in December, 2016 from \$705 a month to \$803 a month.
- Reclassification of Public Works Director to Assistant City Manager/Public Works Director
- Reclassification of Engineer Tech III to Management Analyst
- Reclassification of Finance Director to Finance Manager
- Creating an Associate Account position
- Creating a part time Park Ranger position (pilot program)
- Transfer of \$100,000 from the General Fund to the Gas Tax Fund to maintain the City's level of street repair.

Staff presents a resolution approving the budget for 24 funds operated by the City, as well as resolutions approving the budgets of the Roadway Lighting Districts and the Sanitation District. The FY 2016-17 consolidated budget includes anticipated revenues and projected expenditures for all of these funds. The budget document follows a pattern similar to previous budget documents.

The Salary Plan & Classification Summary reflects the proposed positions and pay schedules for FY 2016-17, including a cost of living adjustment of 2 percent for both fire personnel and miscellaneous employees, as well as adding and reclassifying positions mentioned above.

As part of considering the budget, State Constitution Article XIII-B (Propositions 4 and 111) requires the City Council to establish an Appropriations Limit. The limit is adjusted each year by multiplying the previous year's limit by a factor based on either the change in the California Per Capita Personal Income (CPCPI) or the Non-Residential Construction Valuation by the population change of the City.

The Lemon Grove Roadway Lighting District manages two funds for two separate activities. Fund 11, the General Benefit Fund, provides funding for street light benefits throughout the community. Fund 12, the Local Benefit Assessment Fund, provides for enhanced lighting benefits at the mid-block.

The Lemon Grove Sanitation District manages two funds—an Operations Fund (15) and a Reserve Fund (16). In FY 2016-17, the District anticipates generating \$5.9 million in total revenue, and \$5.0 million in operating costs. In addition, the District anticipates spending \$1.5 million on capital improvement projects. This revenue and expenditure plan will leave a combined balance of \$12.8 million in the Sanitation District (Funds 15 and 16) at the end of the fiscal year.

The Successor Agency budget reflects the following expenditures related to the Lemon Grove Successor Agency:

- Bond Debt Service – the budget reflects bond debt service payments for the 2007, 2010, and 2014 bonds, totaling \$1,756,800.
- City Loan Repayment – the budget reflects \$343,200 in loan repayment to Lemon Grove's General Fund.
- Capital Projects from Bonds – the budget reflects an expenditure of \$1,800,000 for the Lemon Grove Realignment Project.

Each year, the City Council updates the City's Master Fee Schedule as part of the budget process. The purpose of the Master Fee Schedule is to recover direct costs for the services provided by the City. There were no changes to the schedule this year.

Public Speaker(s)

There were no requests from the public to speak.

Action: Motion by Councilmember Jones, seconded by Mayor Sessom, to adopt the resolution passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-3433: Resolution of the City Council of the City of Lemon Grove, California Approving the City of Lemon Grove Budget for Fiscal Year 2016-2017 and Authorizing Expenditures Thereto

Action: Motion by Councilmember Mendoza, seconded by Councilmember Jones, to adopt the resolution passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-3434: Resolution of the City Council of the City of Lemon Grove, California Approving a Salary Plan and Classification Summary

Action: Motion by Councilmember Vasquez, seconded by Mayor Sessom, to adopt the resolution passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-3435: Resolution of the City Council of the City of Lemon Grove, California Establishing the Appropriations Limit for Fiscal Year 2016-2017

Action: Motion by Board Member Mendoza, seconded by Board Member Vasquez, to adopt the resolution passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-167: Resolution of the Lemon Grove Roadway Lighting District Board Approving the Lemon Grove Roadway Lighting District Budget for Fiscal Year 2016-2017 and Authorizing Expenditures Thereto

Action: Motion by Board Member Gastil, seconded by Board Member Jones, to adopt the resolution passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-280: Resolution of the Lemon Grove Sanitation District Board Approving the Lemon Grove Sanitation District Budget for Fiscal Year 2016-2017 and Authorizing Expenditures Thereto

Action: Motion by Councilmember Jones, seconded by Mayor Sessom, to adopt the resolution passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-3436: Resolution of the City Council of the City of Lemon Grove, Approving Job Descriptions for Finance Manager and Park Ranger

Action: Motion by Mayor Pro Tem Gastil, seconded by Councilmember Jones, to adopt the resolution passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-3437: Resolution of the City Council of the City Of Lemon Grove, California Updating the City of Lemon Grove Master Fee Schedule for Fiscal Year 2016-2017

4. Award a Construction Contract for the Lemon Grove Realignment Project

Mike James stated that in April 2016, the City advertised a notice inviting bids for the Lemon Grove Avenue Realignment Project (Contract No. 2016-16) which will realign the Lemon Grove Avenue from the SR-94 Eastbound Exit Ramp to North Avenue. The project consists of grading, roadway modifications to the off-ramp, installation of curb, gutter, sidewalks and driveways, new street lighting, new traffic signals, traffic signing and striping, landscape and irrigation, railroad signaling and grade crossing improvements, railroad overhead contract system modifications, and pavement restoration.

In addition to the base bid, which includes the core elements of the project, an additive alternate that includes enhanced concrete sidewalk and crosswalk paving, pedestrian lights, benches and concrete sidewalk pavers was requested if additional funds were available. As of the date of this report, additional monies to fund the additive alternate items were not available. Pending the construction contract award, if staff realizes a cost saving during construction those funds will be consolidated in an attempt to afford the additive alternative amount of \$392,251.

The engineer's estimate for this project was \$5,200,000. The lowest base bid was submitted by West Coast General Corporation (WCGC) in the amount of \$5,506,461.19.

Staff reviewed WCGC's project work history, references, and construction license. Its project work history and reference checks were positive. WCGC has also successfully performed similar work for various local government agencies. WCGC's construction license is current and in good standing with the State of California. Therefore, staff determined WCGC was both a responsive and responsible bidder, and recommends the award of a construction contract to WCGC.

Generally, the City contracts with the current on-call inspection and testing consultant to provide inspection and testing services for construction projects. Due to the complex coordination of construction activities of this project, the City contracted with Infrastructure Engineering Corporation (IEC) in April 2016 to provide Construction Management Services, including construction inspection and material's testing.

The programmed revenue sources for this project include the following amounts and sources:

- \$150,000 is budgeted from Fund 3 – Street Reserve;
- \$237,400 is budgeted from Fund 10 – TDA;
- \$1,000,000 is budgeted from Fund 14 – TransNet;
- \$805,000 is budgeted from Fund 14 – SGIP;
- \$200,000 is budgeted from Fund 16 – Sanitation;
- \$557,900 is budgeted from Fund 27 – RTCIP;
- \$1,560,000 is budgeted from Fund 40 – IIG; and
- \$1,800,000 is budgeted from Fund 64 – CDA.

The total revenue programmed for this project equals \$6,310,300, which equals the anticipated project expenditures.

Staff recommends that the City Council adopt a resolution awarding the Lemon Grove Avenue Realignment Project contract (Contract No. 2016-16) to West Coast General Corporation and establish a project budget not to exceed \$6,310,300.

Public Speaker(s)

There were no requests from the public to speak.

Action: Motion by Councilmember Jones, seconded by Councilmember Vasquez, to adopt the resolution passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-3438: Resolution of the City Council of the City of Lemon Grove, California Awarding a Construction Contract for the Lemon Grove Avenue Realignment Project to West Coast General Corporation

5. Downtown Village Specific Plan Expansion (DVSPE) Program Overview and Public Outreach Strategy Summary

David De Vries stated that the City received a *TransNet* Smart Growth Incentive Program Grant for the Downtown Village Specific Plan Expansion (DVSPE) project. The City executed a grant agreement with SANDAG in November 2015 and contracted with Rick Engineering in January 2016 to prepare the DVSPE. The first two phases of the project include: (1) the preparation of a baseline report that analyzes existing physical, regulatory, and economic conditions, and (2) the implementation of a public outreach strategy.

The draft public outreach program includes surveys to business and property owners and stakeholders, two community workshops and a City Council workshop, and pop-up events and general noticing/marketing to promote the workshops. The goal of the draft outreach program is to inform, listen to, and obtain support from stakeholders as it relates to the development of the DVSPE. A detailed draft public outreach strategy including a timeline and next steps is provided. The public outreach program will be revised based upon feedback provided by the City Council and commence after receiving Council direction. The approved scope of work and a map of the study area are provided for convenience. The approved scope of work is a guide and changes are permissible in the contract.

After discussion, the City Council recommended that staff revise outreach program to include the PTA, local churches, interfaith clergy association, HEAL Zone representatives, senior housing complexes, the Lemon Grove Senior Center, and ensure that all information will be bilingual.

6. Preparation of Elections Code §9212 Impact Analysis report pertaining to the Initiative to allow Medical Marijuana Dispensaries in the City of Lemon Grove

James Lough In April of this year proponents filed an initiative that would allow Medical Marijuana Dispensaries within the City limits with the City Clerk. As required by Election Code §9203, the City Attorney provided the Ballot Title and Summary for inclusion in the petition form. At the end of May, proponents submitted petition forms who sufficient signatures to have the petitions delivered to the San Diego County Registrar of Voters for verification of the signatures. State law requires the verification of signatures be completed within 30 working days (excluding weekends and holidays) from the date of filing of the petition. Following signature verification by the County Registrar of Voters and if the signatures are deemed sufficient, City staff will return to the City Council with election/implementation options in compliance with the State Elections Code. Presenting the certification results must be done at a regular meeting of the City Council pursuant to Elections Code §9114.

Under the Elections Code, the City Council may order an impact analysis report of any initiative. Working under the assumption that the petition will be deemed sufficient, it is recommended that the City Council request staff to prepare an impact analysis report, and that it be presented no later than when the City Clerk brings the certification of the petition to City Council.

California Elections Code § 9212 in general, states that the legislative body (City Council) may refer the proposed initiative measure to any City agency for a report on any or all of the following impacts:

1. Fiscal impact.
2. Its effect on the internal consistency of the City's General Plan and Specific Plans.
3. Its effect on land use and housing, including ability of the City to meet regional housing needs.
4. Infrastructure funding and costs, including transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely result in an increased infrastructure costs.
5. Impact on the community's ability to attract and retain businesses and jobs.
6. Use of vacant parcels.
7. Impacts on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
8. Any other matters the legislative body (City Council) determines to include in the report.

Staff recommends that the City Council direct staff to prepare an Elections Code §9212 Impact Analysis Report in order to provide information on the potential impacts of allowing Medical Marijuana Dispensaries in Lemon Grove.

Public Speaker(s)

Katie Dexter noted that this matter was on the 2012 ballot and failed. She expressed appreciation to the City Council for promoting a vibrant economy.

Action: Motion by Councilmember Jones, seconded by Councilmember Mendoza, to direct staff to prepare an Elections Code §9212 Impact Analysis Report passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

City Council Oral Comments and Reports on Meetings Attended at the Expense of the City. (GC 53232.3 (d))

Councilmember Jones attended meetings of MTS, SANDAG Board of Directors and Transportation Committee, and the League of California Cities.

Councilmember Mendoza attended an East County Economic Development Council meeting.

Councilmember Vasquez attended San Altos 6th grade promotion ceremony.

Mayor Pro Tem Gastil attended a Public Safety Recognition event honoring firefighters and law enforcement officers.

Mayor Sessom attended SANDAG and Airport Authority meetings.

City Manager and Department Director Reports

Lt. May commented that the Sheriff Department had their “coffee with the community” event in Lemon Grove and the department feels very well supported by City Council.

Closed Session

Conference with Legal Counsel – Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9:
One Case

Pursuant to Government Code Section 54957: Public Employee Performance Evaluation
Title: City Attorney

Closed Session Report: No reportable action was taken.

Adjournment

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency the meeting was adjourned at 9:20 p.m.

Susan Garcia

Susan Garcia, City Clerk